

IN THE CIRCUIT COURT OF BOLIVAR COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT

MICHAEL TARVER

PLAINTIFF

VS.

CAUSE NUMBER: 2015-0004

BOYLE-SKENE WATER CORPORATION;  
TODD HOLDER (in official capacity and individually);  
TOMMY WORBINGTON (in official capacity and individually); and  
BRAD OUZTS (in official capacity and individually)

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

TO: BOYLE-SKENE WATER CORPORATION  
c/o Todd Holder  
112 Walker Road  
Cleveland, MS 38732

NOTICE TO DEFENDANT

THE COMPLAINT, INTERROGATORIES, and REQUESTS FOR PRODUCTION OF DOCUMENTS, WHICH ARE ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a written response to the Complaint, Interrogatories and Requests for Production filed against you in this action to Arnold D. Lee, Attorney for Plaintiff, whose post office address is P.O. Box 721143, Jackson, MS 39272 and whose street address is 407 Briarwood Dr., Suite 210A, Jackson, MS 39206.

YOUR RESPONSE MUST BE MAILED OR HAND-DELIVERED WITHIN 45 DAYS FROM THE DATE OF DELIVERY OF THIS SUMMONS AND COMPLAINT. IF YOUR RESPONSE IS NOT SO MAILED OR DELIVERED, A JUDGMENT BY DEFAULT WILL BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER RELIEF DEMANDED IN THE COMPLAINT.

You must also file the original of your Response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 2nd day of February, 2015.



MARILYN L. KELLY

BOLIVAR COUNTY CIRCUIT CLERK

**FILED**

JAN 13 2015

IN THE CIRCUIT COURT OF BOLIVAR COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT

BOLIVAR COUNTY, MS  
MARILYN L. KELLY, CIRCUIT CLERK

BY \_\_\_\_\_ D.C.

PLAINTIFF

MICHAEL TARVER

VS.

CAUSE NUMBER:

2015-0804

BOYLE-SKENE WATER CORPORATION;  
TODD HOLDER (in official capacity and individually);  
TOMMY WORBINGTON (in official capacity and individually); and  
BRAD OUZTS (in official capacity and individually)

DEFENDANTS

COMPLAINT  
(Jury Trial Demanded)

COMES NOW, Plaintiff, Michael Tarver, by and through counsel, files this his  
*Complaint*, and would show the following:

PARTIES

1. Michael Tarver, is an adult citizen of Bolivar County, Mississippi.
2. Defendant, Boyle-Skene Water Association Corporation, is a Mississippi non-profit corporation, whose principle office is in Bolivar County, Mississippi.
3. Defendant, Todd Holder, is a member of the board of directors for the Boyle-Skene Water Association Corporation, who is an adult citizen of Bolivar County, Mississippi.
4. Defendant, Tommy Worbington, is a member of the board of directors for the Boyle-Skene Water Association Corporation, who is an adult citizen of Bolivar County, Mississippi.
5. Defendant, Brad Ouzts, is a member of the board of directors for the Boyle-Skene Water Association Corporation, who is an adult citizen of Bolivar County, Mississippi.

## **FACTUAL SUMMARY**

6. Defendant, the Boyle-Skene Water Association Corp. ("the water association"), is a non-profit water association responsible for providing and maintaining a water system for the Boyle-Skene area of Bolivar County, Mississippi.

7. Plaintiff, Michael Tarver, was the water operator for the Defendant the Boyle-Skene Water Association Corp. from 2007 until he was wrongfully terminated in 2014.

8. In late 2013, Tarver, in his job of water operator for the water association, discovered that Defendant Todd Holder, who is the Chairman of the board of directors of the Defendant Boyle-Skene Water Association Corp., was illegal receiving free water from the association.

9. Plaintiff informed the board of directors for the water association of Holder illegal receiving free water from the association.

10. Defendant, Brad Ouzts, who owns the Cleveland Air Service, an agri-airplane business, that is within the water association district.

11. Tarver, in his capacity as water operator, discovered that Defendant Ouzts was also illegally receiving free water from the water association for his agri-airplane business; at this time Defendant Ouzts was not a member of the board.

12. Tarver reported Ouzts illegally receiving free water for his agr-airplane business from the water association; subsequently, Ouzts had to start paying for water for his business from the association.

13. Shortly thereafter, Ouzts sought and won a seat on the board of directors of the water association.

14. Subsequently, Defendants Holder, Ouzts, and Worblington conspired to terminate Tarver for exposing these and other illegal activities of the association; and indeed voted to terminate Tarver in 2014.

15. Then the defendants voted to appoint Defendant Worblington's daughter to take Tarver's position.

### **COUNT I-WRONGFUL TERMINATION**

16. Plaintiff re-alleges and incorporates the allegations in paragraphs 1-15 as if set forth herein.

17. Plaintiff Tarver was wrongfully terminated because he reported the illegal activities of Holder and Ouzts, among other illegal activities.

18. As a direct and proximate result of the Defendants' wrongful actions, Plaintiff has incurred damages such as lost wages and benefits, and other damages allowable under the law.

### **COUNT II-NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

19. Plaintiff adopts and re-alleges paragraphs 1-18 of this complaint as if set forth in full here.

20. Defendants' actions and reckless disregard caused Plaintiff to suffer emotional distress.

### **COUNT III-INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

21. Plaintiff adopts and re-alleges paragraphs 1-20 of this complaint as if set forth in full here.

22. Defendants' intentional actions and reckless disregard were intended to cause

Plaintiff to suffered emotional distress because he exposed their illegal activities.

**COUNT IV--GROSS NEGLIGENCE AND/OR MALICE**

23. Plaintiff re-alleges and incorporates the allegations in paragraphs 1-22 as if set forth herein.

24. The scope and severity of Defendants' intentional and wrongful actions constitute gross negligence and/or malice that evidence wanton or reckless disregard of Plaintiff.

25. As a direct and proximate result of the gross negligence and/or malice which evidences a wanton or reckless disregard for Plaintiff, Plaintiff suffered injuries as set forth herein.

**COUNT V--CONSPIRACY**

26. Plaintiff adopts and re-alleges paragraphs 1 through 25 of his complaint as if set forth in full.

27. Defendants Holder, Ouzts, and Worbington engaged in a common scheme to wrongfully terminate Plaintiff because he exposed their illegal activities.

28. As a direct and proximate result of these wrongful actions by Defendants, Plaintiff has been damaged and is entitled to same.

**COUNT VI--DEFAMATION**

29. Plaintiff adopts and re-alleges paragraphs 1 through 28 of his complaint as if set forth in full.

30. Subsequently, the individual defendants maliciously and intentionally defamed Plaintiff's name and reputation by making false statements about Plaintiff, and directly and

proximately resulted in damage to Plaintiff.

**COUNT VII: PUNITIVE DAMAGES**

31. The plaintiff re-alleges paragraphs 1 through 30 as if fully set forth herein.

32. Said conduct of the defendants was committed with a willful, wanton, reckless, grossly negligent, and/or intentional disregard for welfare of the Plaintiff such that the Plaintiff is entitled to punitive damages.

**WHEREFORE, PREMISES CONSIDERED**, the Plaintiff prays for judgment against the Defendants for damages, both compensatory and punitive, in an amount determined by the jury, together with pre and post judgment interest, costs and expenses, attorney's fees, and such other relief as the Court deems just and equitable. A jury trial requested.

Respectfully submitted this the 9 day of January, 2015.

RESPECTFULLY SUBMITTED

MICHAEL TARVER

*Arnold D. Lee*

By: \_\_\_\_\_

Arnold D. Lee, MSB # 101238  
LEE LAW OFFICE, PLLC  
P. O. Box 721143  
Jackson, MS 39272  
601.714.1144  
1.866.344.1101(fax)  
alee@leelawllc.com

IN THE CIRCUIT COURT OF BOLIVAR COUNTY, MISSISSIPPI  
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DEFENDANTS

**PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUESTS  
FOR PRODUCTION TO DEFENDANTS**

The following interrogatories are propounded pursuant to Rules 33 & 34 of the Mississippi Rules of Civil Procedure.

If any of these interrogatories cannot be answered in full, then you should answer them to the extent possible and specify the reasons for any inability to answer the remainder, and state whatever information or knowledge you have concerning the unanswered portion. In answering these interrogatories, furnish such information as is available to you, regardless of whether this information is obtained directly by you or through any agents or representatives, or by any of your attorneys.

**INTERROGATORIES**

1. Please identify by name, address, telephone number, and give a brief description of his or her testimony of each and every witness whom you may call to testify at the trial of this civil action.
2. Please identify by name, address and telephone number of all persons with any discoverable knowledge relating allegations made in the Complaint against you.
3. Please identify any insurance company or carrier and/or bonding company which you contend owes you a duty to defend this action and pay any judgment in favor of Plaintiff in this action; and identify the policy number or binder number the insurance policy which provides coverage; and identify the total amount of primary coverage and excess coverage available for the acts alleged in the Complaint.
4. Please state your net worth, including your response a brief description of the documents you have referred to or relied upon to make this calculation.
5. Identify all reason(s) Plaintiff was terminated.
6. Please identify by name, address and telephone number of all persons with any discoverable knowledge relating to your defenses stated in your Answer to the allegations made in the Complaint against you.
7. Identify by name, address, employer, and telephone number, and purported field of expertise, each and every person whom you expect to call to testify as an expert

witness at the trial of this cause, and for each such person set forth fully and in complete detail:

- a. the subject matter on which the expert is expected to testify;
- b. the substance of the facts and opinions to which the expert is expected to testify;
- c. a summary of the grounds for each opinion which you expect such expert to provide;
- d. identify by title, author, and date of publication all documents either referred to by the expert or inspected, reviewed, or relied upon by the expert in reaching any opinion in this case or upon which any opinion of the expert is based; and
- e. the qualification and educational background of the expert.

8. Identify by name and address all plumbers and/or contractors used by the Boyle-Skene Water Association from 2013 to the present.

9. If you refuse to produce any document in response to the Request for Production of Documents Propounded to you on the grounds that the document is privileged because it constitutes work product or was prepared in anticipation of litigation or trial, then for each such document state the following:

1. Identify its author or maker (for photographs or electronic recordings, identify the person who operated the photographic or electronic equipment);
2. State the subject matter of the document;
3. State the date that it was prepared or produced; and
4. State its custodian.

10. Identify the name(s) and address(es) of the person(s) who replaced Plaintiff after his termination.

11. Identify all accounting firms used by the Boyle-Skene Water Association from 2005 to present.

12. Describe each and every exhibit and demonstrative aid that you intend to use at the trial of this cause.

13. Identify all salary positions Boyle-Skene Water Association had from 2006 to the present.

14. Identify all yearly salary for each year from 2006 to the present for all salary employees from 2005 to the present.

15. Identify the name(s) and address(es) of the person(s) and/or entity that owns the building Boyle-Skene Water Association uses as its headquarters at 803 North Chrisman Ave, Cleveland, Mississippi.

16. Identify the Boyle-Skene Water Association's membership numbers from 2006 to the present.



17. Identify the number of water meters Boyle-Skene Water Association billed for from 2006 to present.

18. Identify the date Plaintiff was terminated.

### **REQUESTS FOR PRODUCTION**

**REQUEST NO. 1:** Produce all reports from experts and consultants, or other similar individuals or entities retained by you who will testify at trial regarding this matter.

**REQUEST NO. 2:** Please produce copies of any testifying expert's current resume and/or CV, and documents and treatises and/or literature used by the expert to formulate his or her opinions.

**REQUEST NO. 3:** Please produce copies of any exhibits or documents you intend to introduce into evidence at the trial on this matter.

**REQUEST NO. 4:** Produce all documents upon which you intend to rely upon to establish any of the defenses you have asserted in your Answer to this litigation or to refute any of the claims asserted against you in the subject complaint.

**REQUEST NO. 5:** Produce all insurance and bond policies that may cover you for any damages sought by Plaintiff.

**REQUEST NO. 6:** Produce Plaintiff's entire personnel file.

**REQUEST NO. 7:** Produce your State and Federal income tax returns from 2012 to the present, and any other related income documents.

**REQUEST NO. 8:** Produce full and complete copies of any witness statements related to this lawsuit.

**REQUEST NO. 9:** Produce all correspondence, including but not limited to emails, cellphone text messages, between Plaintiff and Defendants related to Plaintiff's job performance.

**REQUEST NO. 10:** Produce all minutes from all meetings of the Boyle-Skene Water Association from 2012 to the present.

**REQUEST NO. 11:** Produce all drafts of any minutes from all meetings of Boyle-Skene Water Association from 2012 to the present.

**REQUEST NO. 12:** Produce all financial audits, including but not limited to any drafts or amended audit reports, for Boyle-Skene Water Association from 2005 to the present.

**REQUEST NO. 13:** Produce all documents submitted to any firm to conduct financial audits for Boyle-Skene Water Association from 2012 to the present.

**REQUEST NO. 14:** Produce copies of all audio and/or video recordings of Boyle-Skene Water Association's board meetings from 2012 to the present.

**REQUEST NO. 15:** Produce all water user agreement(s) for Defendants Todd Holder, Tommy Worthington, and Brad Ouzts; and Cleveland Air Service, Inc.

**REQUEST NO. 16:** Produce all water bills for Defendants Todd Holder, Tommy Worthington, and Brad Ouzts; and Cleveland Air Service, Inc.

**REQUEST NO. 17:** Produce all notices of board meetings of Boyle-Skene Water Association's board meetings from 2012 to the present.

**REQUEST NO. 18:** Produce all purchase orders, contracts, subcontracts, invoices, and any and all other like documents concerning any labor, service or materials provide to the Defendant Boyle-Skene Water Association related to water services from 2013 to the present.

**REQUEST NO. 19:** Produce copies of all letters to farmers and/or individual(s) from Boyle-Skene Water Association related to receiving free water and/or services from Boyle-Skene Water Association from 2012 to the present.

**REQUEST NO. 20:** Produce all water meters reading for any water meters for Defendants Todd Holder, Tommy Worthington, and Brad Ouzts; and Cleveland Air Service, Inc.

**REQUEST NO. 21:** Produce copies of all policies and procedures for its employees.

**REQUEST NO. 22:** Produce copies of all policies and procedures related to vehicle fuel usage for the water operator.

**REQUEST NO. 23:** Produce copies of all policies and procedures related to the position of water operator.

**REQUEST NO. 24:** Produce copies all purchase orders, contracts, subcontracts, invoices, and any and all other like documents concerning any labor, service or materials provide to the Defendant Boyle-Skene Water Association from Phillips Plumbing from 2013 to the present.

**REQUEST NO. 25:** Produce copies all purchase orders, contracts, subcontracts, invoices, and any and all other like documents concerning any labor, service or materials provide to the Defendant Boyle-Skene Water Association from Kovac Plumbing from 2013 to the present.

**REQUEST NO. 26:** Produce copies of bank statements for all bank accounts of Defendant Boyle-Skene Water Association from 2011 to the present.

**REQUEST NO. 27:** Produce copies of all documents related to the installation of water meters by Boyle-Skene Water Association for Defendants Todd Holder, Tommy Worthington, and Brad Ouzts; and Cleveland Air Service, Inc.

**REQUEST NO. 28:** Produce copies of all lost water reports from 2011 to the present.

**REQUEST NO. 29:** Produce copies of all water sample reports from 2008 to the present.

**REQUEST NO. 30:** Produce all correspondence, including but not limited to emails, cellphone text messages, between Defendants and the Mississippi Health Department related to the Ferri or Ferry subdivision in Bolivar County.

**REQUEST NO. 31:** Produce a copy of the By-Laws for Boyle-Skene Water Association.

**REQUEST NO. 32:** Produce copies of all checks paid to Plaintiff from 2014 to present.

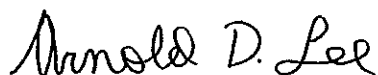
**REQUEST NO. 33:** Produce copies of all Mississippi Department of Health ratings for Boyle-Skene Water Association from 2005 to the present.

**REQUEST NO. 34:** Produce copies of all boil water alerts related to Boyle-Skene Water Association from 2005 to the present.

**REQUEST NO. 35:** Produce all documents and things related to Boyle-Skene Water Association's decision to terminate Plaintiff.

RESPECTFULLY SUBMITTED

MICHAEL TARVER



By: \_\_\_\_\_  
Arnold D. Lee, MSB # 101238  
LEE LAW OFFICE, PLLC  
P. O. Box 721143  
Jackson, MS 39272  
601.714.1144  
1.866.344.1101(fax)  
alee@leelawllc.com